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State of Montana
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Executive Order No. 22-97

EXECUTIVE ORDER AMENDING EXECUTIVE ORDER NO 3-97, CONTINUING THE MISSOURI RIVER BASIN ADVISORY COUNCIL

WHEREAS, the Missouri River Basin Advisory Council, the existence of which is continued by Executive Order No. 3-97, consists of eight members; and

WHEREAS, there is a need for additional representation on that Council.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the Constitution and laws of the State of Montana, do hereby increase the size of the Council by amending the provisions of Executive Order No. 3-97, striking in "Section II: COMPOSITION, " the word "eight" and inserting "at least ten."

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 21st day of November, 1997.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

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Executive Order No. 21-97

EXECUTIVE ORDER CREATING THE
MONTANA PUBLIC SAFETY COMMUNICATIONS COUNCIL

WHEREAS, the public safety of the citizens of Montana is of paramount importance; and

WHEREAS, public safety communications provides a critical role protecting the lives and property of the citizens of Montana; and

WHEREAS, the State's public safety communications infrastructure is rapidly becoming outdated; and

WHEREAS, the Federal Communications Commission is adopting regulatory changes which require public safety communications systems to conform to new technology standards in order to increase the efficiency of these systems; and

WHEREAS, the effectiveness of public safety communications to share voice and data information between jurisdictions is critical to the mission of public safety; and

WHEREAS, the Public Safety Communications Task Force has developed recommendations to implement a shared public safety communications infrastructure; and

WHEREAS, the Public Safety Communications Task Force has

recommended that the State of Montana continue to work cooperatively with federal, state, local, and private entities having similar communications requirements, to design, implement and maintain a shared public safety communications infrastructure; and

WHEREAS, there exist opportunities to partner with private industry to share in the costs associated with communications infrastructure; and

WHEREAS, the coordination and support of the public safety communications effort is an ongoing and long term effort.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me by the laws and Constitution of the State of Montana, do hereby create the Montana Public Safety Communications Council.

I. PURPOSE

The purpose of the Montana Public Safety Communications Council is to provide policy level direction for matters related to designing, implementing, and maintaining Montana's public safety communications infrastructure. To that end it shall:

A. Establish a governance structure for shared authority regarding the management of Montana's public safety communications infrastructure.

B. Exercise authority for strategic decision-making with regard to Montana's public safety communications infrastructure including: 1) policy development, 2) participation (identification and certification of entities allowed to use Montana's public safety communications infrastructure), 3) financial planning, 4) cost recovery,

5) acceptable use, 6) deployment of new technologies, and 7) other policy issues related to the Montana's public safety communications infrastructure as determined by the Council.

C. Seek statutory authority, during the 1999 General Session of the State of Montana Legislature, to include approval of structure, function and funding for public safety communications infrastructure, as well as provide the basis for the joint participation of state agencies, interested local governments, federal agencies, and private entities as deemed appropriate.

II. COMPOSITION

The Council shall consist of fourteen (14) members appointed by the Governor, as identified below:

A. The Director of the Department of Administration (or designee) who shall chair the Council;

B. A representative who shall represent the Montana Power Company and other private utilities participating as private entities;

C. A representative from local government who will represent the general local government operations of the municipalities, cities, and towns of Montana;

D. A representative from local government who will represent the county government operations of Montana;

E. A representative from the federal government who will represent the federal government operations of the public safety departments, agencies and bureaus of the federal government;

F. Two representative from State agencies who will represent State government operations;

G. Two representatives from law enforcement who will represent the Montana Association of Chiefs of Police and the Sheriffs and Peace Officers Association;

H. A representative from the emergency medical services community from the State of Montana;

I. A representative of the citizens at large from the State of Montana;

J. A representative from the fire protective services of the state of Montana;

K. A representative from the 9-1-1 community of the state of Montana;

L. One Tribal representative.

The Department of Administration/Information Services Division will provide technical and administrative support for the Council.

The names and addresses of members appointed by the Governor shall be submitted by separate appointment letters to the Secretary of State.

III. <u>DURATION</u>

This Council shall exist for a period of two years from the effective date of this Order unless otherwise ordered by subsequent Executive Order.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 13th day of November, 1997.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 20-97

EXECUTIVE ORDER AMENDING EXECUTIVE ORDER NO. 10-97, CONTINUING THE SUMMITNET EXECUTIVE COUNCIL

WHEREAS, the provisions of Executive Order No. 10-97 are amended by striking Section II.: COMPOSITION, the words "Information Technology Advisory Council (ITAC)".

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 10th day of November, 1997.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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State of Montana
Office of the Governor

Executive Order No. 19-97

EXECUTIVE ORDER ESTABLISHING THE
GOVERNOR'S UPPER YELLOWSTONE RIVER TASK FORCE

WHEREAS, the upper Yellowstone River and its tributaries, herein defined as that reach of the river (including tributaries) beginning at the Yellowstone Park boundary and extending downstream to the bridge crossing the river at Springdale, is a national treasure; and

WHEREAS, the recreational opportunities provided by the river provide significant contributions to Montana's economy; and

WHEREAS, the river is essential to Montanans who live along it, providing water for agricultural, domestic and commercial purposes; and

WHEREAS, the extreme floods of 1996 and 1997 have created hardships for communities and Montana citizens who live adjacent to the river, causing damage to property and stream banks, as well as some nationally-renowned spring creeks in Paradise Valley; and

WHEREAS, previous decades of work done along the river for purposes of flood control, construction of transportation

corridors and other purposes have altered the natural flood plain of the river, with the potential to exacerbate damage to private and public property and fish habitat; and

WHEREAS, there is a need for a more comprehensive planning effort involving citizens, communities, and government agencies that have an interest in the upper Yellowstone River to ensure that future projects that affect the river are planned and conducted in a manner that will preserve the integrity, beauty, values, and function of the upper Yellowstone River for Montanans now and in the future.

NOW THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me, do hereby establish the Upper Yellowstone River Task Force.

I. PURPOSE

A. The Upper Yellowstone River Task Force shall:

1. Provide a forum for the discussion of issues that effect the Upper Yellowstone River basin, particularly, to bring together landowners, sportsmen and sportswomen, and community leaders to develop a shared understanding of the issues and competing values and uses that impact the Upper Yellowstone River;

2. meet on a regular basis, the frequency to be determined by Task Force members, for the purpose of encouraging a comprehensive approach to action taken along the Yellowstone River to ensure that its integrity remains intact while balancing the needs of communities and landowners to protect property;

3. seek or encourage others to seek grants, funds or other cooperative arrangements to implement recommendations of the Task Force; and

4. prepare an annual report to the Governor on the progress of the task force.

II. COMPOSITION

The Upper Yellowstone River Task Force shall be composed of no more than 12 voting members including representatives of the following: local businesses, property owners, farmers and ranchers who live along the river, the angling community, a conservation group or groups, Park County, the City of Livingston and the local Conservation District. Representatives of the Army Corps of Engineers, Departments of Natural Resources and Conservation, Environmental Quality, Fish, Wildlife & Parks, and Transportation shall serve as ex-officio members.

III. DURATION

This Task Force shall remain in existence until July 1, 1999 unless extended or terminated by subsequent Executive Order.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 5th day of November, 1997.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 18-97

EXECUTIVE ORDER RESCINDING EXECUTIVE ORDER NO. 19-96

WHEREAS, Executive Order No. 19-96, effective on August 2, 1996, continued the Montana Lewis & Clark Bicentennial Advisory Council for a period of two years from the date of effect, unless otherwise ordered by subsequent Executive Order; and

WHEREAS, during the 55th legislative session, House Bill 568, which established by law a Lewis & Clark Bicentennial Commission, was adopted, effective October 1, 1997, and codified as section 2-15-150, MCA.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me under the laws and Constitution of the State of Montana, do hereby rescind Executive Order No. 19-96.

This order is effective September 30, 1997.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 28th day of September, 1997.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 17-97

EXECUTIVE ORDER CREATING THE
MONTANA GEOGRAPHIC INFORMATION COUNCIL

WHEREAS, geographic information plays a vital role in decision making processes for local, state and federal government entities as well as private businesses and citizens; and

WHEREAS, geographic information is expensive to collect, maintain and analyze; and

WHEREAS, Geographic Information Systems (GIS) are computer systems for storing, assembling, manipulating and displaying geographically referenced material; and

WHEREAS, GIS serve as valuable mediums for scientific investigation, resource management and development planning; and

WHEREAS, GIS are currently being used and developed across Montana by local, state and federal agencies, as well as the business community, to facilitate effective decision making; and

WHEREAS, there exists a need to coordinate these efforts to provide a cost effective, efficient means of assembling and distributing geospatial data among interested agencies and

parties; and

WHEREAS, a broad based effort, commitment, policy direction and framework is needed for Montana to develop and manage its geographic information resources; and

WHEREAS, GIS is of long-term importance to all of the state; and

WHEREAS, the state recognizes the importance of coordinating technology, including the concept of data sharing; and

WHEREAS, the state adopted and endorses an aggressive policy regarding the use of technology to provide access to services and current and retrospective information with appropriate regard for budgetary considerations; and

WHEREAS, the Information Technology Advisory Council (ITAC) recommended the creation of a formal position and coordinating body expressly to coordinate the collection, maintenance and distribution of geographic information,

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me by the laws and Constitution of the State of Montana, do hereby create the Montana Geographic Information Council.

I. PURPOSE and DUTIES

The purpose of the Montana Geographic Information Council is to provide policy level direction and promote efficient and effective use of resources for matters related to geographic information. To that end it shall:

A. promote a spirit of cooperation among state, federal

and local agencies, and the private sector in addressing geographic data and information needs and services in Montana; and

B. review and establish priorities for statewide geographic information needs and assist in the development of implementation plans; and

C. facilitate cost sharing and collaborative arrangements to develop and maintain high-priority GIS data bases and applications programs; and

D. promote coordination of programs, policies, technologies and resources to maximize opportunities and minimize duplication of effort, and to facilitate the documentation, distribution and exchange of geographic information; and

E. ensure the development of consistent policies, standards and guidelines for geographic information; and

F. complement and enhance ongoing coordination efforts of the Montana Interagency Technical Working Group, the Montana Local Government GIS Coalition and others; and

G. provide recommendations to the Governor and the legislature, when appropriate, concerning issues related to geographic information in Montana.

II. COMPOSITION

The Council shall consist of fourteen members, appointed by the Governor, as follows:

A. the Director of the Department of Administration (or designee) who shall serve as chair or appoint a chair from

the council membership; and

B. the State Librarian (or designee); and

C. the Directors of two state agencies (or designees); and

D. three representatives from county and municipal government, at least one of whom is a local government representative active in land information systems; and

E. a representative from the Federal Geographic Data Commission (FGDC) to be selected by the Chair of the FGDC; and

F. one representative from the US Department of Agriculture; and

G. one representative from the US Department of the Interior; and

H. two representatives chosen from public utilities or private businesses active in land information systems; and

I. one Tribal representative; and

J. one representative of the University System.

The Department of Administration/Information Services Division will provide technical and administrative support for the Council. The Council, at its discretion, may seek the advice of the Montana Technical Working Group (TWG), the Montana Local Government GIS Coalition (MLGGC), the GIS Users Group and technical resources in the private sector for additional support.

The names and addresses of members are submitted by separate letter to the Secretary of State and the Department of

Administration.

III. DURATION

This Council shall exist for a period of two years from the effective date of this Order unless otherwise ordered by subsequent Executive Order.

This order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 9th day of September, 1997.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 16-97

EXECUTIVE ORDER PROCLAIMING AN EMERGENCY
TO EXIST IN THE CITY OF WOLF POINT

WHEREAS, August 29, 1997, a severe windstorm blew through the City of Wolf Point in Roosevelt County; and,

WHEREAS, this severe windstorm has created in it's wake substantial debris from uprooted trees causing blockage of numerous streets and alleys throughout the city, as well as damage to street lights, street signs and city garbage containers; and

WHEREAS, the severe windstorm has resulted in damage to both public and private property; and

WHEREAS, the City of Wolf Point has committed all available resources, taken all possible actions to respond, mitigate and alleviate the situation, and the local resources are not sufficient to meet the conditions; and

WHEREAS, the City of Wolf Point declared an Emergency and has exhausted all available emergency levies by appropriating emergency funding in an amount equivalent to a two (2) mill levy on the city's taxable valuation, pursuant to Section 10-3-405,

MCA, to respond in the aftermath of the windstorm ; and

WHEREAS, a proclamation of an emergency or disaster authorizes the Governor under Section 10-3-311, MCA, to expend funds from the general fund to meet contingencies and needs arising from these conditions.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana and Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare an emergency to exist in the City of Wolf Point.

This order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 5 day of September, 1997.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

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Executive Order No. 15-97

EXECUTIVE ORDER CONTINUING THE INTERDEPARTMENTAL COORDINATING COMMITTEE OF WOMEN (ICCW)

WHEREAS, the Constitution of the State of Montana prohibits the State or any person from discriminating against any person in the exercise of his or her civil rights on the account of gender; and

WHEREAS, I am committed to bringing about full and equal employment opportunity for all Montanans; and

WHEREAS, equal employment opportunity begins in state government; and

WHEREAS, the State's Equal Employment Opportunity report of 1997 shows that although significant progress has been made toward women moving into management jobs, women remain concentrated at the low end of professional and managerial positions; and

WHEREAS, the ICCW has been effectively utilized in the past to identify issues facing women state employees; and

WHEREAS, the goal of the ICCW is to create positive change for all state employees by promoting the full participation of

women in state government.

NOW, THEREFORE, I, MARC RACICOT, by the authority vested in me by Article VI, Section 4 of the Montana Constitution, and Section 2-15-201, MCA, do hereby:

1. Continue the Interdepartmental Coordinating Committee for Women.

2. Instruct each agency director as follows:

   A. To call for representatives from the agency who are willing to serve on the ICCW; and

   B. To select on an annual or biennial basis at least one agency representative and an alternate to implement ICCW's recommendations and to notify my office of the appointees' names; and

   C. To provide for and encourage the active participation of agency representative(s) and alternate(s); and

   D. To notify my office within 30 days after resignation of the agency's representative with the name of the replacement representative.

This order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 3rd day of September, 1997.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 14-97

EXECUTIVE ORDER PROCLAIMING A DISASTER TO EXIST IN THE CITY OF LIBBY

WHEREAS, on July 21, 1997 a severe windstorm blew through the City of Libby in Lincoln County; and,

WHEREAS, this severe windstorm has created in it's wake substantial debris from uprooted trees as well as power outages resulting from downed power lines, which in turn has affected the city's drinking water supply and sewage treatment facility; and

WHEREAS, the severe windstorm has resulted in damages to both public and private property; and

WHEREAS, this severe wind event has caused life-threatening situations and a continuing substantial threat to life and property; and

WHEREAS, the City of Libby has committed all available resources and taken all possible actions to respond, mitigate and alleviate the situation, and the local resources are not sufficient to respond to the conditions; and

WHEREAS, the City of Libby declared an emergency and has exhausted all available emergency levies by appropriating emergency funding in an amount equivalent to a two (2) mill levy on the city's taxable valuation, pursuant to section 10-3-405, MCA, to respond in the aftermath of the windstorm ; and

WHEREAS, a proclamation of a disaster authorizes the Governor under section 10-3-311, MCA, to expend funds from the general fund to meet contingencies and needs arising from these conditions.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana and Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare a disaster to exist in the City of Libby.

This Order is effective immediately.

Given under my hand and the GREAT SEAL of the State of Montana, this 23rd day of July, 1997.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State
by Lois Lee Guest, Deputy

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Executive Order No. 13-97

EXECUTIVE ORDER CREATING THE
WORKERS' COMPENSATION REGULATION ADVISORY COUNCIL

WHEREAS, the purpose of the workers' compensation system is to provide speedily obtainable benefits to injured workers at a reasonable cost to employers, to return injured workers to work as soon as possible, and to have a system that minimizes reliance on lawyers and the courts to obtain benefits and interpret liabilities; and

WHEREAS, the workers' compensation system in Montana has undergone significant change over the past decade; and

WHEREAS, benefit reform, fraud control, safety awareness, medical cost containment, and workers' compensation data management efforts have been implemented; and

WHEREAS, a competitive insurance marketplace has been restored and workers' compensation rates have been reduced; and

WHEREAS, it is critical to all Montanans that we hold the gains we have made in reforming our system; and

WHEREAS, a sound and effective regulatory program is to ensure our workers' compensation system is fair, ef

and efficient.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me by the laws and Constitution of the State of Montana, and specifically pursuant to 2-15-122, MCA, do hereby create the Workers' Compensation Regulation Advisory Council.

I. PURPOSE

The Council shall:

a. review our state's current workers' compensation regulatory system, and the systems of other state programs;

b. identify the mission and goals of a regulatory system that promotes fairness, effectiveness and efficiency in the workers' compensation system, using broad input and national benchmarks as appropriate;

c. describe what regulatory activities and programs are needed to meet the mission and goals, and what funding mechanisms should be used to support those activities;

d. recommend what legislative and executive actions would be needed to implement those goals, activities, and funding strategies agreed to by the Council.

II. COMPOSITION

The Council shall consist of at least 10 but not more than 19 members who shall serve at the pleasure of the Governor. The members shall include but not be limited to representatives of:

* Workers' Compensation Insurers;
* Insured and Self-Insured Employers;

* Organized Labor;
* The Montana Chamber of Commerce;
* The Montana Hospital Association;
* The Montana Medical Association;
* The Department of Labor and Industry;
* The Montana Senate;
* The Montana House of Representatives; and
* The Public.

The names and addresses of members are submitted by separate letter to the Secretary of State and the Department of Labor and Industry. The Governor shall appoint the Chairman and Vice-Chairman of the Council.

III. COMPENSATION

Council members may be compensated by the Department of Labor and Industry as provided by section 2-15-122(5), MCA.

IV. STAFF ASSISTANCE

The Council shall be staffed by the Department of Labor and Industry as directed by the Commissioner of the Department.

V. DURATION

This Council shall exist until December 31, 1998, unless extended by subsequent executive order. This order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 24th day of July, 1997.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

by Justice Smith, Deputy

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Executive Order No. 12-97

EXECUTIVE ORDER DECLARING A DISASTER
TO EXIST IN MONTANA

WHEREAS, severe thunderstorms, flash flooding, heavy rainfall, saturated soils, and already swollen streams have caused significant flooding in eastern Montana; and

WHEREAS, flooding has caused damage to roads, bridges and other infrastructure; and

WHEREAS, flooding has compounded the amount of damage to sites affected by ongoing flooding occurring since this past winter, spring, and early summer; and

WHEREAS, local jurisdictions are actively engaged in flood fight efforts; and

WHEREAS, the Disaster and Emergency Services Division continues to coordinate flood response and recovery activities statewide; and

WHEREAS, the availability and utilization of all necessary state government services, equipment and supplies under this executive order will further the efforts to protect health and safety and to preserve the lives, property and resources of the people of the State of Montana; and

WHEREAS, a proclamation of a disaster authorizes the

Governor, under section 10-3-104(2)(a), MCA, to suspend section 2-18-501, MCA, to allow reasonable expenditures for food and lodging for activated National Guard and state agency personnel responding to an emergency; and

WHEREAS, a .disaster,. as that term is defined in Section 10-3-103(3), MCA, means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including tornadoes, windstorms, snowstorms, wind-driven water, high water, floods, wave action, earthquakes, landslides, mudslides, volcanic action, fires, explosions, air or water contamination requiring emergency action to avert danger or damage, blight, droughts, infestations, riots, sabotage, hostile military or paramilitary action, disruption of state services, or accidents involving radiation byproducts or other hazardous materials; and

WHEREAS, section 10-3-311 authorizes the Governor to expend funds from the general fund to meet contingencies and needs arising from an emergency or disaster.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare that a disaster exists in Montana due to flooding.

This Order is effective July 1, 1997.

Given under my hand and the GREAT SEAL of the State of Montana, this 3rd day of July,1997.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 11-97

EXECUTIVE ORDER CREATING THE
MONTANA LIBRARY SERVICES ADVISORY COUNCIL

WHEREAS, libraries and information resources are vital to democracy and essential to the education and well-being of all Montanans; and

WHEREAS, the benefits to be gained from cooperation and coordination among and between libraries include improved access to information for all citizens; and

WHEREAS, libraries face challenges of societal changes, new technologies, improved services to users and securing adequate funding; and

WHEREAS, the energies, interests, ideas and concerns of citizens would be expressed in the making of public policy.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me by the laws and Constitution of the State of Montana, do hereby continue the Montana Library Services Advisory Council.

I. <u>Purpose</u>

The Council will advise and make recommendations to the

Montana State Library Commission on the development, evaluation and funding of the Library Services and Technology Act (LSTA) program and other pertinent issues that may relate to or affect LSTA.

II. COMPOSITION

The Council is composed of nine members appointed by the Montana State Library Commission and who are selected from the following groups:

Academic libraries

Library users in Western Montana

Public libraries

Montana Library Association

School libraries

Persons who are unable to use traditional library services

Library users in Eastern Montana

Library users in Central Montana

The members who shall serve shall be submitted by separate appointment letters to the Secretary of State.

III. ADMINISTERING AGENCY

The Montana State Library is designated as the agency responsible for the administration and management of the Council.

IV. DURATION

This Council shall exist for a period of two years from the effective date of this Order unless otherwise ordered by

subsequent Executive Order.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 20th day of June, 1997.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 9-97

EXECUTIVE ORDER TRANSFERRING BUDGET AND ADMINISTRATIVE FUNCTIONS OF THE OFFICE OF COMMUNITY SERVICE TO THE DEPARTMENT OF LABOR AND INDUSTRY

WHEREAS, there is an Office of Community Service established in the Office of the Governor under section 90-14-103, MCA; and

WHEREAS, the best interests of the State are served by combining similar functions as appropriate, in a manner which promotes efficiency in state government; and

WHEREAS, the function of the Office of Community Service is to foster and promote service to and volunteerism in the State of Montana; and

WHEREAS, the Department of Labor and Industry provides similar support for training and job service activities as does the Office of Community Service; and

WHEREAS, the Department of Labor and Industry is willing to administer the budget of the Office of Community Service.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me by the Constitution and laws of the State of Montana, do hereby direct

the following:

1. The budget and fixed assets of the Office of Community Service will be transferred to the Department of Labor and Industry on July 1, 1997;

2. General administrative support for the Office of Community Service that includes legal, budgeting, record keeping, reporting, and related administrative functions of the agency will be provided by the Department of Labor and Industry as of July 1, 1997 and thereafter. The cost for this support will be funded from the resources of the Office of Community Service as required by the Department of Labor and Industry's indirect cost rate;

3. The Office of the Governor will remain the supervisor of the Community Service Coordinator in the Office of Community Service, with assistance from the Commissioner of the Department of Labor and Industry;

4. The Department of Labor and Industry will include the Office of Community Service in its FY2000-2001 budget request.

This Order is effective July 1, 1997.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 17th day of June, 1997.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

State of Montana
Office of the Governor

Executive Order No. 10-97

EXECUTIVE ORDER CONTINUING THE SUMMITNET EXECUTIVE COUNCIL

WHEREAS, coordinated management of the state's telecommunications infrastructure is an important aspect of providing cost effective, essential services to the citizens of Montana; and

WHEREAS, 2-17-502, MCA, provides for the establishment of the Information Technology Advisory Council (ITAC) in accordance with 2-15-122, MCA, whose members must be selected from a diverse group in order to adequately represent the interests of state agencies, including the university system; and

WHEREAS, the ITAC represents the collective information technology interests of the State of Montana; and

WHEREAS, the Information Technology Strategic Plan for the State of Montana makes the following recommendations:

> The Information Services Division (ISD) should continue with the current practice of sharing network facilities, with ISD regularly assessing the overall cost effectiveness of providing a shared network for the enterprise.

ISD should coordinate interagency networks (voice, data, video, radio) with active input from agencies, and ITAC when appropriate, on product needs and choices.

ITAC recommends the establishment of issue-specific task forces comprised of ITAC members who would represent ITAC on specific issues, including rate setting, budgetary initiatives and legislative advocacy; and

WHEREAS, SummitNet will greatly increase access to telecommunications facilities for the interconnection of the State's schools, libraries, universities, tribal colleges and government agencies (state and local); and

WHEREAS, SummitNet's primary mission is to provide a shared resource which will establish a standardized networking environment for the State of Montana; and

WHEREAS, SummitNet is a long-term, complex project of importance to all of the state,

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me by the laws and Constitution of the State of Montana, do hereby continue the SummitNet Executive Council.

I. PURPOSE

The purpose of the SummitNet Executive Council is to provide policy level direction for matters related to SummitNet, including the following:

A. The Council shall provide a governance structure of shared authority within the existing statutory framework

regarding management of telecommunication networks.

B. The Council shall exercise broad authority for strategic decision making with regard to SummitNet. This authority shall include: 1) Policy development, 2) Participation (identification of entities allowed to use SummitNet), 3) Financial planning, 4) Strategic planning, 5) Cost recovery planning and policies, 6) Appropriate use policies, 7) Development and evaluation of new networking technologies, and 8) other policy issues related to SummitNet as determined by the Council.

II. COMPOSITION

The Council shall consist of seven members as identified below. The representatives will serve two-year terms. The membership shall consist of the following:

* The Director of the Department of Administration (or designee) who shall chair the Council; and
* The Commissioner of Higher Education (or designee); and
* The Superintendent of Public Instruction (or designee); and
* A representative from local government who shall be appointed by the Governor; and
* Three Information Technology Advisory Council (ITAC) members who represent state agencies and who shall be appointed by the governor.

The members who shall serve shall be submitted by separate appointment letters to the Secretary of State.

III. DURATION

This Council shall exist for a period of two years from the effective date of this Order unless otherwise ordered by subsequent Executive Order.

This Order is effective July 1, 1997.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 13th day of June, 1997.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 8-97

EXECUTIVE ORDER CONTINUING THE YOUTH JUSTICE ADVISORY COUNCIL WITHIN THE DEPARTMENT OF JUSTICE, BOARD OF CRIME CONTROL, TO IMPLEMENT THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

I, MARC RACICOT, Governor of the State of Montana, do hereby order the continuation of the Youth Justice Advisory Council within the Department of Justice, Board of Crime Control pursuant to Section 2-15-122, MCA, and as required by Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415), as amended.

I. PURPOSE

The purpose of the Council is to:

a. advise the Governor and the Board of Crime Control on policy matters related to juvenile justice;

b. supervise the preparation, complete administration and implementation of the Juvenile Justice and Delinquency Prevention Act of 1974, as required by Section 223 of the Act;

c. approve the annual plan as required by the Juvenile Justice and Delinquency Prevention Act of 1974, as

amended, and award grants to implement that plan;

d. advise the Governor, the Board of Crime Control and the Legislature on legislation relating to juvenile delinquency and compliance with the Juvenile Justice and Delinquency Prevention Act; and

e. advise state, local and private agencies on juvenile justice in order to better coordinate services and to most efficiently utilize available resources.

II. COMPOSITION AND TERMS OF APPOINTMENT

The composition of the Council shall not exceed 20 members, and must include the Director of the Department of Corrections or the Director's designee. The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Secretary of State and to the Board of Crime Control.

III. COMPENSATION AND TRAVEL

Council members eligible for compensation under 2-15-122(5) MCA shall be compensated $25 for each day actually and necessarily engaged in performance of Council duties. All Council members who are not full-time state employees shall be reimbursed for travel expenses pursuant to 2-15-122(5) MCA.

IV. TERMINATION OF PRIOR EXECUTIVE ORDER

Any provisions of prior Executive Orders relating to the Youth Service Advisory Council are hereby superseded by the provision of this Order.

V. DURATION

The Council shall exist until two years from the effective date of this order. This Order shall be effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 10th day of June, 1997.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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State of Montana
Office of the Governor

Executive Order No. 7-97

EXECUTIVE ORDER DECLARING AN EMERGENCY
TO EXIST IN THE STATE OF MONTANA

WHEREAS, above-average temperatures and significant precipitation since May 31, 1997, is melting the record snowpack in the Yellowstone River Basin and Upper Missouri River Basin; and

WHEREAS, the Yellowstone River, Gallatin and Jefferson Rivers are currently above flood stage and at or near flood of record; and

WHEREAS, Park County and the City of Livingston have declared disasters and are actively engaged in flood fighting efforts; and

WHEREAS, the National Weather Service has issued flood warnings for the Yellowstone River as well as tributaries to the Yellowstone River with anticipated levels of historical proportions; and

WHEREAS, weather systems currently in or approaching the southern portions of the state have and will continue to add to the flooding potential on the above river basins; and

WHEREAS, the Disaster and Emergency Services Division continues to coordinate proactive response activities statewide; and

WHEREAS, the availability and utilization of all necessary state government services, equipment and supplies under this executive order will further the efforts to protect health and safety and to preserve the lives, property and resources of the people of the State of Montana; and

WHEREAS, a proclamation of an emergency authorizes the Governor, under section 10-3-104 (2) (a), MCA, to suspend section 2-18-501 MCA, to allow reasonable expenditures for food and lodging for activated National Guard and State agency personnel responding to an emergency; and

WHEREAS, an "emergency", as that term is defined in section 10-3-103 (6), MCA, means the imminent threat of a disaster causing immediate peril to life or property that timely action can avert or minimize, and, section 10-3-311 authorizes the Governor to expend funds from the general fund to meet contingencies and needs arising from an emergency or disaster.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare that an emergency exists in the State of Montana due to the threat of flooding.

This order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 5th day of June, 1997.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 6-97

EXECUTIVE ORDER DECLARING AN EMERGENCY
TO EXIST IN THE STATE OF MONTANA

WHEREAS, above-average temperatures are beginning to melt the record winter snowpack in all major river drainages; and

WHEREAS, data provided by members of the State Flood Task Force predict a high probability of serious riverine flooding occurring this spring; and

WHEREAS, any significant change in weather conditions producing a rapid or prolonged warming trend accompanied by rain could lead to serious, immediate, flood conditions; and

WHEREAS, flood warnings and watches have been issued for many drainages in western Montana; and

WHEREAS, many local jurisdictions have begun serious efforts to organize resources to respond to flooding events; and

WHEREAS, Broadwater County and the City of Townsend have requested direct state assistance to help reduce the threat of severe flooding in Townsend; and

WHEREAS, the Disaster and Emergency Services Division

continues to coordinate proactive flood preparation and response activities statewide; and

WHEREAS, the availability and utilization of all necessary state government services, equipment and supplies under this executive order will further the efforts to protect health and safety and to preserve the lives, property and resources of the people of the State of Montana; and

WHEREAS, a proclamation of an emergency authorizes the Governor, under section 10-3-104(2)(a), MCA, to suspend section 2-18-501, MCA, to allow reasonable expenditures for food and lodging for activated National Guard and State agency personnel responding to an emergency; and

WHEREAS, an "emergency", as that term is defined in section 10-3-103(6), MCA, means the imminent threat of a disaster causing immediate peril to life or property that timely action can avert or minimize, and, section 10-3-311 authorizes the Governor to expend funds from the general fund to meet contingencies and needs arising from an emergency or disaster.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare that an emergency exists in the State of Montana due to the imminent threat of flooding.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 13th day of May, 1997.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

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Executive Order No. 5-97

EXECUTIVE ORDER DECLARING AN EMERGENCY
TO EXIST IN THE STATE OF MONTANA

WHEREAS, record winter and spring snowfall continue to accumulate in all Montana river basins, and record snow water content exists within the mid-level and higher elevation snowpack; and

WHEREAS, data provided by members of the State Flood Task Force predict a high probability of significant riverine flooding occurring this spring; and

WHEREAS, the State Flood Task Force predicts that "average" amounts of precipitation this spring could cause several major river basins to flood in proportions that would exceed the current flood of record; and

WHEREAS, any significant change in weather conditions producing a rapid or prolonged warming trend, accompanied by rain, could lead to serious and immediate flood conditions; and

WHEREAS, many local jurisdictions statewide have begun serious efforts to organize resources to respond to flooding events; and

WHEREAS, several local jurisdictions have declared a state of emergency, implemented flood fighting efforts, and experienced damage to their infrastructure from flooding and ice jams; and

WHEREAS, the Disaster and Emergency Services Division continues to coordinate proactive flood preparation activities statewide; and

WHEREAS, the availability and utilization of all necessary state government services, equipment and supplies under this executive order will further the efforts to protect health and safety and to preserve the lives, property and resources of the people of the State of Montana; and

WHEREAS, a proclamation of an emergency authorizes the Governor, under Section 10-3-104(2)(a), MCA, to suspend Section 2-18-501, MCA, to allow reasonable expenditures for food and lodging for activated National Guard and State agency personnel responding to an emergency; and

WHEREAS, an "emergency", as that term is defined in Section 10-3-103(6), MCA, means the imminent threat of a disaster causing immediate peril to life or property that timely action can avert or minimize, and Section 10-3-311, MCA, authorizes the Governor to expend funds from the general fund to meet contingencies and needs arising from an emergency or disaster.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, and Title 10,

Chapter 3, MCA, and under other applicable statutes, do hereby declare that a emergency exists in the State of Montana due to the imminent threat of flooding.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 10th day of April, 1997.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Office of the Governor

Executive Order No. 4-97

EXECUTIVE ORDER DECLARING AN EMERGENCY
TO EXIST IN THE STATE OF MONTANA

WHEREAS, record winter snowfall has accumulated in all Montana river drainages and related record snow water content exists within the lower, mid-level, and higher elevation zones snowpack; and

WHEREAS, data provided by members of the State Flood Task Force predict a high probability of significant riverine flooding occurring this spring; and

WHEREAS, the Flood Task Force predicts "average" amounts of precipitation this spring would exceed the current flood of record within several major river drainages; and

WHEREAS, any significant change in weather conditions producing a rapid or prolonged warming trend, accompanied by rain could lead to serious, immediate, flood conditions; and

WHEREAS, many local jurisdictions statewide have begun serious efforts to organize resources to respond to flooding events; and

WHEREAS, the availability and utilization of all necessary

state government services, equipment and supplies under this executive order will further the efforts to protect health and safety and to preserve the lives, property and resources of the people of the State of Montana; and

WHEREAS, an "emergency", as that term is defined in Section 10-3-103(6), MCA, means the imminent threat of a disaster causing immediate peril to life or property that timely action can avert or minimize, and, Section 10-3-311 authorizes the Governor to expend funds from the general fund to meet contingencies and needs arising from an emergency or disaster.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare that an emergency exists in the State of Montana due to the imminent threat of flooding.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 12th day of March, 1997.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

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Executive Order No. 3-97

EXECUTIVE ORDER CONTINUING THE
MISSOURI RIVER BASIN ADVISORY COUNCIL

WHEREAS, the Missouri River Basin Association is an association of states and tribes in the Missouri River Basin concerned with monitoring and resolving issues pertaining to the management of the Missouri River system; and

WHEREAS, the Department of Natural Resources and Conservation is charged with the responsibility of representing the State of Montana in the Missouri River Basin Association; and

WHEREAS, management of the Missouri River system should reflect public concerns and input; and

WHEREAS, the Missouri River Basin Association has arranged to sponsor meetings with other Basin states which seek to achieve resolution of conflicting uses of the river system by including the participation of private citizens and representatives of system users.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the

Constitution and laws of the State of Montana, do hereby continue the Missouri River Basin Advisory Council (the Council).

I. PURPOSE

The Council shall participate in meetings sponsored by the Missouri River Basin Assciation for the purpose of seeking resolution of conflicts amcng competing uses within the Missouri River System, and provide advice on the development of the State's position regarding management of the Missouri River system.

II. COMPOSITION

The Council shall consist of eight members. The Chairman of the Council shall be the Director of the Department of Natural Resources and Conservation. The names and addresses of members who shall serve at the pleasure of the Governor shall be submitted by separate letter to the Department of Natural Resources and Conservation and the Secretary of State.

III. COMPENSATION

Council member's expenses eligible for compensation shall be compensated by the Department of Natural Resources and Conservation at the prevailing state rate for each day actually and necessarily engaged in the performance of Council duties.

IV. DURATION

This Council shall exist for a period of two years from the effective date of this Order unless extended by subsequent Executive Order. This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 25th day of February, 1997.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 2-97

EXECUTIVE ORDER AUTHORIZING INCIDENT RESPONSE AUTHORITY IN THE STATE OF MONTANA

WHEREAS, record winter snowfall and related record snow water content have combined with above average temperatures to create above average stream flows of the tributaries to the Yellowstone River; and

WHEREAS, these increased stream flows have caused the Yellowstone River to rise rapidly and break up existing ice cover resulting in substantial ice jams; and

WHEREAS, the Yellowstone River is currently near or above flood stage, low land flooding has occurred and is currently occurring along many portions of the Yellowstone River Valley in Rosebud, Custer, Prairie, Dawson and Richland Counties because of the ice jams; and

WHEREAS, the City of Miles City and Custer County have individually signed Disaster Declarations due to the flooding; and

WHEREAS, these severe flood conditions and ice jams have caused life threatening situations and substantial threat to

life and property; and

WHEREAS, the availability and utilization of all necessary state government services, equipment and supplies under this executive order will further the efforts to protect health and safety and to preserve the lives, property and resources of the people of the State of Montana; and

WHEREAS, an "incident", as that term is defined in Section 10-3-310, MCA, authorizes the Governor to expend funds from the general fund to prevent or minimize loss of life or damage to property or natural resources.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare that an incident exists in the State of Montana due to flooding and ice jams.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 21st day of February, 1997.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

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Executive Order No. 1-97

EXECUTIVE ORDER CONTINUING THE
GOVERNOR'S WHIRLING DISEASE TASK FORCE

WHEREAS, the presence of *M. cerebralis*, the causative agent for whirling disease, has now been confirmed in 40 water bodies in Montana; and

WHEREAS, the State of Montana is still at the very early stages of this problem, and all indications suggest that it is a problem that will escalate; and

WHEREAS, although extensive research efforts are now underway, it is still the case that there is no known cure for whirling disease once it enters a water body; and

WHEREAS, *M. cerebralis* continues to be detected in water bodies in Montana, and as the social and economic impacts multiply, the public concern over whirling disease will escalate; and

WHEREAS, the Governor's Whirling Disease Task Force and Montana Fish, Wildlife and Parks have emerged as national leaders in the effort to manage wild fish populations infected by whirling disease; and

WHEREAS, the Governor's Whirling Disease Task Force previously promulgated goals and a plan to guide whirling disease research, management, communication and education; and

WHEREAS, the goals and action plan previously developed provide guidance for the Whirling Disease Task Force's continued work.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me by 2-15-122, MCA, do hereby continue the Governor's Whirling Disease Task Force.

I. PURPOSE

A. The Whirling Disease Task Force shall:

1. Promote public education on whirling disease by helping to establish educational and information programs and by serving as an ambassador to various constituencies and interest groups to ensure they receive up-to-date information.

2. Prepare an annual status report that:

a. assesses the status of current efforts to implement the Task Force's recommendations;

b. evaluates and updates, as appropriate, the previously established goals and action plan; and

c. reports on research conducted under the auspices of the whirling disease project of the National Partnership on the Management

of Wild and Native Coldwater Fisheries.

3. Provide a forum for the discussion of public policy issues associated with whirling disease in Montana. The Task force maintains a unique position to bring affected parties together to jointly develop a shared understanding of policy options and trade-offs. These efforts should complement the decision-making roles of the Fish, Wildlife and Parks Commission and the Department of Fish, Wildlife and Parks.

4. Evaluate and, as appropriate, develop recommendations to address the socio-economic impacts of whirling disease.

B. The Whirling Disease Task Force may establish subcommittees comprised of individuals with needed technical, scientific, educational or economic expertise to assist the Task Force in making informed decisions.

II. COMPOSITION

The Whirling Disease Task Force shall be composed of not more than 21 members, plus the Director of Montana Fish, Wildlife and Parks who shall serve as an ex-officio member. The names and addresses of members who shall serve at the pleasure of the Governor shall be submitted by separate letter to the Department of Fish, Wildlife and Parks and the Secretary of State.

III. DURATION

This Task Force shall remain in existence until January 1, 1999, unless extended or terminated by subsequent Executive Order.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 7th day of February, 1997.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

by Lesley Gill, Deputy